



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

SEP 02 2010

Linda S.C. Rundell  
State Director  
United States Department of the Interior  
Bureau of Land Management  
P.O. Box 27115  
Santa Fe, NM 87502-0115

Dear Ms. Rundell:

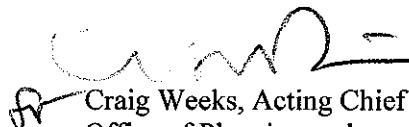
In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality regulations for implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Draft Environmental Impact Statement (DEIS) for the Draft Taos Resource Management Plan for Colfax, Harding, Los Alamos, Mora, San Miguel, Santa Fe, Taos, and Union counties, New Mexico.

EPA rates the DEIS as "EC 2," i.e., EPA has "Environmental Concerns to the implementation of the Proposed RMP and requests additional information." EPA has comments to offer and request additional impact discussion in the areas of Environmental Justice and Air Quality. EPA asks that our comments be addressed and responded to in the Final EIS. Our enclosed detail comments are offered to complement and to more fully insure compliance with the requirements of NEPA and the Council on Environmental Quality (CEQ) regulations.

Our classification will be published in the Federal Register according to our responsibility under Section 309 of the Clean Air Act to inform the public of our views on proposed Federal actions. If you have any questions, please contact Mike Jansky of my staff at (214) 665-7451 or by e-mail at [jansky.michael@epa.gov](mailto:jansky.michael@epa.gov) for assistance.

EPA appreciates the opportunity to review the DEIS. Please send our office five copies of the FEIS when it is sent to the Office of Federal Activities, EPA (Mail Code 2252A), Ariel Rios Federal Building, 1200 Pennsylvania Ave, N.W., Washington, D.C. 20004.

Sincerely yours,

  
Craig Weeks, Acting Chief  
Office of Planning and  
Coordination 6ENXP

Enclosure

**DETAILED COMMENTS  
ON THE  
DRAFT ENVIRONMENTAL IMPACT STATEMENT  
FOR THE  
BUREAU OF LAND MANAGEMENT  
TAOS RESOURCE MANAGEMENT PLAN MULTI SITES, NEW MEXICO**

**BACKGROUND**

The Draft Taos Resource Management Plan (RMP) and Environmental Impact Statement (DEIS) considers and evaluates alternative management strategies and their potential effects on lands and resources administered by the Bureau of Land Management (BLM) and its TAOS Field Office in northeastern, New Mexico. Alternative A, the BLM preferred alternative, strives to balance between the conservation and preservation of natural and cultural resources with resource uses and other opportunities. This plan recognizes the trends toward renewable energy development and increased recreational use, while protecting sensitive resources and ecosystem processes.

Six (6) new Areas of Critical Environmental Concern (ACEC)s are to be designated, while the boundaries of three existing ACECs would be expanded and management prescriptions for two others would be modified. Protections for cultural resources and wildlife would be expanded from current management. Off-highway vehicle (OHV) use would be limited to designated routes on 521,515 acres and 73,205 acres would be designated as closed. A total of 380 acres in the planning area would be designated as open to OHV use. Alternative A would also increase mineral restrictions from current management by decreasing open areas for leasing and adding additional lease stipulations.

Alternative B emphasizes conservation and protection of physical, biological, and heritage resources and applies the greatest constraints on resource uses than the other alternatives. It designates the most area for ACECs and is the most restrictive to OHV use and mineral leasing. Alternative B increases closures for mineral leasing as well as rights-of-way. No areas would be designated as open for OHV use. Alternative B also increases protections for visual resources and wilderness characteristics, emphasizing visual quality and naturalness.

**GENERAL COMMENTS**

BLM states it will strive to make decisions in the RMP compatible with the existing plans and policies of adjacent local, State, and Federal agencies and local Native American tribes, as long as the decisions are consistent with the purposes, policies, and programs of Federal law and regulations applicable to public lands. If there are examples of local Native American that have not been compatible with BLM decisions please discuss in the Final EIS.

The DEIS states that with increased demand and the rise in energy prices, industry will continue to seek new sources of nonrenewable energy including coal, oil, gas, and uranium. Since the RMP scoping meetings were held in 2006, the opportunity for oil and gas exploration and development in the Galisteo Basin has become an issue of public concern. Although the BLM has been approached about the possibility of leasing Federal mineral rights in the area, that decision has been deferred until the completion of this RMP. Since this issue could arise elsewhere in the area, the revised RMP should use updated information on oil and gas development potential across the planning area.

BLM should be aware that there is currently an ongoing EPA Superfund investigation concerning former uranium milling and mining sites in New Mexico which includes the RMP area. EPA Region 6 requests that BLM consider not permitting any additional uranium exploration until the current issues with the Grants Mineral Belt are addressed. Discussion on this matter should be included in the FEIS.

## **TRIBES**

The DEIS states eleven tribes have lands located within the planning area. The BLM Taos Field Office contacted these tribes to initiate consultations in accordance with the National Historic Preservation Act (NHPA) and to extend the opportunity to participate in the planning process. A scoping presentation was made at an Eight Northern Pueblos Council meeting to update the Governors of the eight pueblos on potential RMP issues and the planning schedule. BLM should also consider that the EPA Region 6's NHPA consultation is not the same as Section 106 Tribal Consultation Process, which also should have been carried out. The Section 106 Tribal Consultation Process involves of seeking, discussing, and considering the views of Federally recognized tribal governments at the earliest time possible in the decision-making process to the fullest extent feasible and permitted by law. Tribal consultation is more than providing information about what the agency is planning to do and allowing comment. Rather, it is respectful, timely and effective interactive communication that results in the open sharing of information, the full expression of Tribal views and the consideration of tribal perspectives in a decision-making process that demonstrates respect for tribal self-governance and sovereignty. The goal of each tribal consultation shall be to reach mutually agreeable solutions. More interaction with tribal governments is recommended.

The DEIS states BLM would educate the public through heritage tourism projects within areas that are described as ACEC s and old Pueblo ruins. In addition, The BLM would continue to work with the Taos Archaeological Society on archaeological projects including petro glyph recording, site mapping and recording, and archaeological inventory. The BLM would also continue the partnership with the Vecinos del Rio on the Mesa Prieta Petro glyph recording project. The DEIS does not address how much input and consultation tribes will be allowed on this. EPA recommends that the BLM use a Tribal person to conduct the pueblo/ petro glyphs presentations. The National Parks Service uses tribal people at their parks that have tribal importance. The Taos Pueblo should be a member of the Taos Archaeological Society.

## **AIR QUALITY**

The DEIS states that compared to Alternatives A and B, potential impacts on air quality would be greater under the no action alternative and Alternative C, due to fewer use restrictions dealing with travel management, mineral development, and other surface-disturbing activities. Impacts to air quality would be about equal between the no action alternative and Alternative C because available mineral leasing acreage is similar in both. Air quality impacts would be lowest for Alternative B, which closes an additional 300,000 acres to mineral leasing as compared to Alternative A. For this reason, EPA recommends BLM consider selecting Alternative B as the preferred Plan. The FEIS should also consider the potential air impacts due to potential coal fired electric generating facilities in Northeast Arizona and the impacts to Class IV lands.

## **CULTURAL RESOURCES**

After reviewing the potential impacts to the areas cultural resources, EPA recommend that BLM seriously consider impacts of animal grazing. Under Plan B, grazing allotments would be restricted. In another part of the document, it states grazing leases would be renewed to the same people. The FEIS should discuss the bidding process for these leases and identify the type of restrictions that can be put on such leases to protect the cultural resources.

## **FISH AND WILDLIFE**

The DEIS states "There are no differences expected among alternatives for impacts from cultural resources, paleontological resources, livestock grazing, wildlife management, vegetation management, water resources, wilderness characteristics, recreation, or special status species. There is considerable discussion addressing the impacts from livestock grazing. As stated, while understanding one of BLM's role/responsibilities is to manage all resources within their charge for the enjoyment and benefit for everyone, Plan B goes further to protect the wildlife, in particular local deer, elk and particularly sensitive raptor populations. ." EPA recommends BLM consider the impact associated with erosion and waste run-off into streams and rivers from AUM overuse and the indirect impact to aquatic life in its alternative selection process.

## **SPECIAL STATUS SPECIES**

The FEIS should identify the animal or plant species that are culturally significant to the local Tribal and Hispanic communities that are not on Endangered Species Act list. Many Native and Hispanic practices include using plants for various reasons, i.e., medical, food, etc. This should be addressed in the FEIS.

## **SOCIAL AND ECONOMIC CONDITIONS (EJ)**

Fuel Wood: If non permitted collection of fuel wood ceases, the alternatives would supply approximately 600 cords of fuel wood on an average annual basis to area

communities. Less fuel wood would be provided for household consumption and sales of wood would account for slightly less employment and labor income than currently contributed from BLM forest product removal. From looking at the graphs provided, it appears the activity mentioned/suggested would affect the lowest income people.

Impacts from Livestock Grazing: Disparate effects to Hispanic communities within the planning area could result from alternatives that make current allotments unavailable. While subsistence uses would continue in the planning area, actions under the alternatives make current allotments unavailable and could thus affect Hispanic cattle operators since high concentrations of farm operators within the impact area identify themselves as being of Spanish, Hispanic or Latino decent (Table 3-45). While these operators do not define the extent of the Hispanic population within the planning area, impacts to operators within smaller communities in the planning area could constitute a disparate effect to these minority groups. While the relatively low level of dependency on BLM forage would continue under all the alternatives, the degree of the disparate effect to these operators would also appear low. However, Hispanic operators within communities in the planning area may be more dependent on these BLM allotments for forage than the dependence of operators for the entire planning area. Thus, disparate effects to Hispanic communities within the planning area could result with alternative that make current allotments unavailable. This impact should be discussed in the FEIS.

#### **TRIBLE TREATY RIGHTS**

Under all alternatives, the BLM would manage vegetation to continue to support healthy populations of a variety of native species. Provision for wildlife habitat and plant communities provide opportunities to exercise tribal treaty rights such as hunting, fishing, and gathering on public lands. Continued access to these materials and sites of cultural importance would also continue under all the alternatives. EPA considers this a good plan.. However, EPA recommends that BLM consider other local Hispanic cultures that may need access to various sites due to cultural importance.